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**PLANNING COMMISSION MEETING MINUTES
TUESDAY, SEPTEMBER 6, 2011
7:00 p.m.**

The regularly scheduled meeting of the DeWitt Charter Township Planning Commission was called to order at 7:00 p.m. by Chairman Gobbo.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Smelker.

MEMBERS PRESENT: Steve Gobbo, Bruce Keilen, Kim Smelker, Kristen Krol, Adam Bertram, Dale Dailey, Tim Fair, Marsha Zimmerman and Trustee Musselman.

MEMBERS ABSENT: None.

OTHERS PRESENT: Township Planner Jim Foulds, Community Development Director Rich Trent, Township Manager Rod Taylor and Recording Secretary Linda Parkinson.

APPROVAL OF AGENDA: **Keilen moved to approve the Agenda with the following amendment:**

Item I. under New Business be placed after Public Comments and before New Business Item I.

Supported. MOTION CARRIED.

APPROVAL OF MINUTES: **Keilen moved to approve the minutes of the August 1, 2011 regular meeting as presented. Supported. MOTION CARRIED.**

CORRESPONDENCE: The following correspondence was received by the Planning Commission: City of Lansing – Design Lansing Comprehensive Plan

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **Request for Special Use Permit 11-990002 from Paris Property Management to allow the applicant to construct an approximately 3,300 square foot professional building to be used as a dental office with frontage on Schavey Road, to be located on a 1.39 acre site that would be part of a mixed use office and residential development on 21.28 acres which is the last phase of the Hawthorne Woods project located on the west side of Schavey Road, south of Hawthorne Woods site condominiums and north of The Village at Hawthorne Woods Site Condominiums, in Section 18 of DeWitt Charter Township. Case postponed at the applicant's request. No action will be considered until Monday, October 3, 2011.**

Township Planner Jim Foulds advised that staff and the applicant are in the process of addressing issues and concerns expressed at the Public Hearing held on July 5, 2011. Staff has been working with legal counsel to consider placing conditions on the property that would limit the type of uses allowed for the remainder of the site. Secondly, there were concerns raised related to traffic issues. A traffic study has been completed. However, it was not conducted during a time when school was in session. Parallel studies have been conducted by the Road Commission and there will be additional information presented at the October 3, 2011 meeting. In addition, an analysis was conducted on utility service availability and the applicant has been encouraged by the Township to enter into more extensive dialog with the two existing homeowners associations to try to identify specific issues that perhaps were not raised at the public hearing.

In closing, Foulds advised that the applicant has requested postponement of any action until the October 3, 2011 meeting. Staff expects to have a recommendation at that time.

The Planning Commission acknowledged the applicants request for postponement dated August 31, 2011.

NEW BUSINESS:

- I. **PUBLIC HEARING - DeWitt Charter Township Year 2012 Capital Improvement Plan.**
 - A. **Open Public Hearing. Dailey moved to open the Public Hearing at 7:10 p.m. Supported. MOTION CARRIED.**
 - B. **Administrative Comments/Applicant Comments/Public Comments.**

Foulds noted a copy of the Year 2012 Capital Improvement Plan (CIP) was provided to Commissioners last month for their review prior to the public hearing. The CIP includes proposed capital expenditures that exceed a value of \$15,000. Recommendations are then reviewed by Department Heads and the Township Board. The recommendations are then reviewed by the CIP Committee, who recommends the prioritization and timing of expenditures. The CIP document reflects the Committee's recommendations. As part of its planning function, the Planning Commission reviews the CIP each year during the annual Township budget process. Once the Commission has held a public hearing, it may approve the CIP by Resolution. The Board will then consider the document during the budgeting process and determine which projects will receive funding in the 2012 Township Budget.

Fould advised that Township Manager Rod Taylor was present to answer any questions.

Chairman Gobbo invited Manager Taylor to speak.

Rod Taylor, Township Manager, 1401 W. Herbison Road, DeWitt, MI 48820, presented a brief review of the CIP process. He stated he was present for any questions the Commission may have.

Brief discussion followed regarding maintenance and possible improvement for the existing roadways specifically Schavey Road near the area of the DeWitt Schools.

Chairman Gobbo invited public comments.

- C. Close Public Hearing. **Hearing no public comments, Keilen moved to close the Public Hearing at 7:20 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Fair moved to adopt the Resolution approving the DeWitt Charter Township 2012 Capital Improvement Plan. Supported.

ROLL CALL vote on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

II. PUBLIC HEARING - Request for Special Use Permit 11-990004 from E.T. Mackenzie Company (replacement of expired SUP 06-990002), to be allowed to place fill dirt on the property located at 15620 S. US 27, north of State Road, south of Stoll Road, west side of BR-27, in the southeast ¼ of Section 28 of DeWitt Charter Township.

- A. Open Public Hearing. **Fair moved to open the Public Hearing at 7:21 p.m. Supported. MOTION CARRIED.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Foulds briefly reviewed staff's memorandum dated August 25, 2011 pointing out the location of the site at 15620 S. US 27, Lansing, MI 48912. The request for a new Special Use Permit that would allow the applicant to continue a fill operation on the 19.21 acre parcel, previously approved in 2006 and expired in July of 2011. Because the fill activity has not been completed the applicant has reapplied for a new Special Use Permit.

Currently the property consists of three uses, an existing storage building on the northern portion and a cell tower. The fill operation is on the southern portion of the site and is accessed onto US 27. After staff's analysis it is recommended that the existing conditions remain in place for the new Special Use Permit. Two issues that would need clarification by the applicant are the maximum number of years requested for the new SUP and the hours of operation.

Dailey noted the application has listed requested hours of operation to be Monday through Friday from 7:00 am to 5:00 pm. However, the attachments submitted by the applicant list more extended hours.

Foulds advised that the applicant could clarify the requested hours of operation.

Fair asked for clarification on how long the applicant is requesting to be allowed to continue the fill operation.

Foulds advised the applicant estimates the fill operation will most likely take an additional five (5) years for completion.

Zimmerman noted the comment from Matt Remus of the Mid-Michigan District Health Department stating sites that have been filled may not support future onsite sewage disposal systems. She suggested the property owner be notified of this comment since the applicant does not own the property.

Foulds advised the property owner will be made aware of Mr. Remus' comment.

Smelker noted there are regulated wetlands on the site and questioned if the State of Michigan inspects the site at anytime during the fill process. Secondly, Smelker asked that a condition be added to the new Special Use Permit to require the applicant to not only place topsoil but seed it as well.

Foulds advised the wetland area on the site is non-regulated, therefore no site inspections are necessary. The suggestion of requiring the applicant to seed the topsoil upon completion of the operation can be added as a condition.

Hearing no further Commissioner questions, Chairman Gobbo invited the applicant to speak.

Ron Clark, representing the applicant, E.T. MacKenzie Company, 4248 W. Saginaw Highway, Grand Ledge, MI 48837, stated he would like to clarify the requested hours of operation. Supporting documents submitted were from the original application submitted in 2006. The hours currently being requested are Monday through Friday from 7:00 am to 5:00 pm and no more than 5 Saturdays in a calendar year from 8:00 am to 3:00 pm.

Clark further advised that, due to the down turn in the economy, the request is for an additional five (5) years to allow completion of the project.

With respect to comments made by the Health Department related to future sewage disposal, Clark advised they are most likely referring to on-site sewage disposal. Both the applicant and the property owner are completely aware of the situation. The site is surrounded by Township sanitary sewer and any future development of the property would be served by the existing system.

With regard to Commissioner Smelker's question related to regulated wetlands on the site, Clark advised a delineation determination had been done. It has been determined

that existing wetland is non-regulated. In addition, it is part of the reclamation plan to seed the topsoil as suggested by Commissioner Smelker. In fact it is a condition of the Soil Erosion and Sedimentation Permit obtained through the Clinton County Drain Commission.

In closing, Clark stated he feels E.T. MacKenzie has done a good job being responsive to any issues on the site and he respectfully requests the Planning Commission recommend approval of the request to the Township Board.

Musselman asked Clark to clarify the requested hours of operation for the proposed new Special Use Permit.

Clark advised the requested hours of operation are exactly the same as the hours of operation granted in the previous Special Use Permit which is Monday through Friday from 7:00 am to 5:00 pm and five (5) Saturdays per calendar year between the hours of 8:00 am to 3:00 pm.

Dailey questioned if contractors other than E.T. MacKenzie Company will be placing fill on the site. He also noted that the application materials indicate a site supervisor is on site to inspect fill materials.

Clark advised that E. T. MacKenzie is the only contractor that is allowed to utilize the fill site. The site supervisor is the equipment operator handling the material on site. The supervisor on location where the fill material is generated also inspects material.

Gobbo asked Clark to briefly explain the various phases indicated on the site plan. He further questioned if any fill material was being ground down.

Clark gave a brief summary of all phases listed on the site plan. He advised that presently Phase 3 is almost up to fill grade. There will be no crushing of material on the site.

Gobbo invited public comment.

Ronald Burns, 15795 Burton Street, Lansing, MI 48912, stated he appreciates the E.T. MacKenzie Company and their quality reputation. He questioned how close to grade the south end of the site is.

Clark advised that the southern portion of the fill site was at grade approximately two (2) years ago. It most likely has settled but would be very close to grade.

Terri Wemigwans, 15790 Florence Street, Lansing, MI 48906, stated she lives on the south border of the site. She did have to call several times when the operation began due to trucks entering the site before the hours of operation. The applicant's representative was extremely helpful and addressed any issues she had in a timely manner. She would like a current contact person in case there are further issues.

Clark advised that the Township will have his contact information, as well as the site superintendent, in case an issue should arise.

Brief discussion followed regarding the current property owner of the site and the fact that he does not have access to the fill operation area.

Delores Carpenter, 1038 Pearl Street, Lansing, MI 48906, stated she did not observe a site supervisor on the property while the site was operating. It appeared to her that many trucks would bring fill material onto the site and when there was a significant pile of dirt a bulldozer operator would distribute the material. She stated since the applicant's operation began in 2006 her basement stays damp all the time. She feels there has been a negative impact on her property value due to the fill operation.

- C. **Close Public Hearing. Hearing no further public comments, Keilen moved to close the Public Hearing at 8:10 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Fair suggested that Mr. Clark provide his contact information to the residents who attended the meeting tonight.

Musselman stated the current Special Use Permit (06-990002) seems to be consistent with what the applicant is now requesting. It seems as if the existing conditions have worked well for both the applicant and the surrounding residents.

Musselman moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 11-990004 from E.T. MacKenzie Company based on the plans last revised on June 29, 2011. Approval is recommended on the following basis:

- 1. The use has been designed in accordance with the requirements of Sections 6.4.8 and 7.13.7 of the Zoning Ordinance.**
- 2. The conditions included in the permit assure that the use will not be hazardous to existing or future uses in the vicinity.**
- 3. The standards of the Basis for Determination listed in Section 7.6 (1) of the Zoning Ordinance have been met.**

Supported.

Smelker noted for the record that a well protection agreement is in place regarding this fill operation.

Brief discussion followed regarding extending the number of Saturdays the site would be allowed to operate. It was decided that the applicant could request an amendment to the Special Use Permit should the economy turn around to a point where they would need to add additional Saturdays to operate.

ROLL VOTE on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

III. PUBLIC HEARING - Request for Special Use Permit 11-990005 from Annie Rae Chevrolet, Inc. dba Annie Rae RV and Price Right Cars and Trucks, to be allowed to conduct retail mechanical auto repair on property located at 12909 S. US 27, DeWitt, MI 48820, south of Webb Road, north of Herbison Road, on the east side of S. US 27, in the southwest ¼ of Section 10 of DeWitt Charter Township.

A. Open Public Hearing. Fair moved to open the Public Hearing at 8:20 pm. Supported. MOTION CARRIED.

B. Administrative Comments/Applicant Comments/Public Comments.

Foulds briefly reviewed staff's report dated August 29, 2011 pointing out the location of the site. The applicant is requesting a Special Use Permit to be allowed to conduct mechanical auto repair on the site. The current use on the site is the display and sales of recreational vehicles and is a permitted conditional use within the Township.

At this time there are no new structures being proposed. Existing buildings will be utilized and the possibility of additional buildings is expected at some point in the future. At such time that new structures are proposed, the Township would suggest closing the existing curb cut on the south side of the site.

Keilen questioned if the Township's Traffic Access Management Plan would come into play should the applicant propose additional buildings in the future.

Foulds advised that the Plan would be utilized at that point in time.

Gobbo invited the applicant to speak.

Doug Collins, General Operations Manager, Annie Rae RV and Price Right Cars and Trucks, 12909 US 27, DeWitt, MI 48820, stated the display and sale of RV's is stagnant at this time. Providing mechanical auto repair would help the existing business grow. He clarified that they do not intend to dismantle vehicles. They simply hope to service existing and future retail customers. It would be very helpful to be able to offer warranty service to existing customers on site.

Musselman stated he was a bit surprised to see this request since Vision Collision recently received approval and is in the same general vicinity.

Collins advised that they will not be doing any auto body repair.

Gobbo questioned if the applicant had any concerns with staff's recommendation to block off the southern access drive at the time that the applicant intends to add future structures.

Collins advised that they currently have the southern access drive blocked off by parking a vehicle in the area. They have full intention of addressing the closure of that access point when expansion of the site takes place.

There was no public present.

- C. **Close Public Hearing. Seeing no public present, Keilen moved to close the Public Hearing at 8:35 pm. Supported. MOTION CARRIED.**
- D. **Discussion and possible action by Planning Commission.**

Keilen moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 11-990005 form Annie Rae/Price Right Cars and Trucks to be allowed to operate a retail auto repair facility on the property located at 12909 S. US 27, DeWitt, MI 48820, and legally described in the application documents. Approval is recommended on the following basis:

- 1. The proposed retail auto repair operation has been designed and can comply with the requirements of Section 7.3 (Site Plan Review) and Section 7.13.14 (Auto Repair) of the Zoning Ordinance.**
- 2. Upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards listed in the Zoning Ordinance to include the operation of the auto repair activity within an existing, enclosed building.**
- 3. Further conditions of the Special Use Permit, to include a requirement that future new construction on the site shall require removal of the southern access drive to US 27.**
- 4. The standards of the Basis for Determination listed in Section 7.4.3 of the Zoning Ordinance have been met.**

Supported,

ROLL CALL vote on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Musselman gave a brief report on business conducted and action taken at the regularly scheduled Board of Trustees meetings held on Monday, August 8, 2011 and Monday, August 22, 2011.

II. Zoning Board of Appeals:

Gobbo gave a brief report on business conducted and action taken at the Zoning Board of Appeals meeting held on Wednesday, August 17, 2011.

III. Committees: None.


III. Staff – Consideration of Special Planning Commission Meeting for Comprehensive Plan Update Discussion (Potential Joint Meeting with the Township Board).

Foulds advised there is an extensive list of Comprehensive Plan amendments which have been previously discussed and ranked by priority. The sixty (60) day public review period has commenced. It has been suggested that perhaps the Planning Commission and the Board of Trustees conduct a Special Meeting to discuss these amendments in more detail, as well as other initiatives suggested by Tri-County Regional Planning.

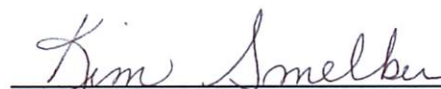
After brief discussion it was determined that staff would coordinate a special meeting of the Planning Commission and invite the Board of Trustees to attend.

DISCUSSION:

ADJOURNMENT: **Dailey moved to adjourn the meeting at 8:50 p.m. Supported. MOTION CARRIED.**



Linda K. Parkinson, Recording Secretary



Kim Smelker, Secretary